



ORIGINAL

FILED

OCT 10 2014
United States Bankruptcy Court
San Jose, California

James M. Kelley
14390 Douglass Lane
Saratoga, CA 95070
jmadisonkelley@gmail.com
Tel: (408) 402-1915

PRO SE

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – DIVISION 5**

In Re:
JAMES MADISON KELLEY,

Debtor

Chapter 11

JAMES MADISON KELLEY

Plaintiff

v.

JPMORGAN CHASE BANK, NA,

WASHINGTON MUTUAL BANK,

DOES (1-20)

) Adversary Case No. 10-05245

)
) MOTION FOR PERMISSION TO
) FILE CONFIDENTIAL
) ACS IMAGE SOLUTIONS
) DISCOVERY DOCUMENTS
) UNDER SEAL

) Proof of Service Attached

) Honorable Arthur S. Weissbrodt

)
) Hearing: November 13, 2014, 3PM
) Courtroom: 3020
)

Motion to File Under Seal ACS Documents

1

Adversary Case No. 10-05245
Bkr. Case No. 08-55305 ASW

1 The Plaintiff in this Adversary Case respectfully requests the Court's permission to file
2 specific documents under seal that have been obtained pursuant to discovery in this
3 adversary case. There is no protective order for the documents but there is a gentleman's
4 agreement with Xerox to treat the materials as confidential.

5
6 A list of the files is attached as Exhibit A to this document. The files are a series of
7 contracts between Washington Mutual Inc ("WMI") and ACS Commercial Solutions, Inc
8 ("ACS").

9 The ACS discovery files show that it

- 10 (1) Received the paper loan origination files from WMI in Houston;
- 11 (2) Prepared the documents for scanning; the documents were not supposed to
12 include the collateral file which if found was returned to WMI.
- 13 (3) Shipped the documents to Juarez, Mexico;
- 14 (4) Scanned the documents in Juarez;
- 15 (5) Stored the documents in Juarez until directed to destroy the loan documents;
- 16 (6) Destroyed the loan origination documents as ordered;
- 17 (7) Made the loan origination document images available via the FileNet System
18 software;
- 19 (8) Provided remote scanning facilities to scan in documents like the collateral files
20 into FileNet
- 21 (9) Scanned and thereafter maintained as the WMI Loan portfolio. This has been
22 ambiguously referred to as the WAMU Loan Portfolio.
- 23 (10) Sold some of the records to JP Morgan Chase Bank, NA ("Chase") and
24 destroyed the rest;
- 25 (11) The documents scanned also included both the Home Equity Lines of
26 Credit. The FISERV insurance on the HELOC in this case lists the Lender Name

1 as WMI not WMB. This is evidence that the Receiver in this case did not transfer
2 the HELOC to Chase because it was not owned by WMB.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 The ACS evidence is important because Chase has produced loan origination files that
2 were presumably destroyed by ACS. One way this could have been done is by
3 reproducing the loan origination documents from the ACS digital image files. The
4 evidence supports the claim that the documents produced by Chase are fake.

5
6 The information is important because the loan portfolio is identified as belonging to WMI
7 not Washington Mutual Bank ("WMB"). WMI is directed the maintenance of this loan
8 portfolio at ACS not Washington Mutual Bank.

9 The Washington Mutual Bank, FA ("WMBFA") (loan #3018113559) loan origination
10 documents were sent to ACS Image Solutions. WMI correspondence to ACS dated July
11 25, 2008 appears to be request for the records that were maintained by ACS (FDIC-
12 R_KELLEY__000177).

13 This further suggests that WMBFA is a strawman lender name for WMI and that WMI
14 was the original lender not WMB. WMB was never more than the servicer.


15
16 If WMB did not own the loan portfolio, which is apparently the case, then the receiver
17 could not have transferred the loan portfolio to Chase on September 25, 2008. This is
18 evidence that WMB was the loan servicer. Thus, Chase is acting as a loan servicer having
19 bought that business from the Receiver.

20 **Conclusion:**

21 The Plaintiff respectfully requests that the Court allow him to file the Discovery files
22 shown in Exhibit A under seal to be treated confidentially.
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
























October 10, 2014


James M. Kelley

Pro Se
14390 Douglass Lane
Saratoga, California 95070
Telephone: (408) 402-1915
jmadisonkelley@gmail.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A
A LISTING OF THE ACS CONTRACTS WITH WMI

 WaMu PCRF 81 - Temporary Trailer Storage Signed
 WaMu PCRF 84 - Houston Consumer Loan Trailing Signed
 WaMuMSA01.31.04
 Washington Mutual 3rd Amend to MSA - Image Capture Signed
 Washington Mutual PCRF #101 Signed
 Washington Mutual PCRF #61 - Image Delivery to Wells Fargo Signed
 Washington Mutual PCRF #62 Signed
 Washington Mutual PCRF #63 - Film & Fiche Conversion
 Washington Mutual PCRF #72 - Daeja Viewer Signed
 Washington Mutual PCRF #73 - Houston Record Center Signed
 Washington Mutual PCRF #75 - Lien Release Reporting Signed
 Washington Mutual PCRF #76 - 3rd Loan Fiche Conv to WF Signed
 Washington Mutual PCRF #79 - Houston Backfile Signed
 Washington Mutual PCRF #82 Signed
 Washington Mutual PCRF #85 - ReBook Loans Signed
 Washington Mutual PCRF #87 - Additional Keystroke Signed
 Washington Mutual PCRF #90 - Print Services Signed
 Washington Mutual PCRF #91 - Legal Descriptions OCR Signed
 Washington Mutual PCRF #93 - Permanent Storage Media Signed
 Washington Mutual PCRF #97 - Chase Image Export Signed
 Washington Mutual PCRF #99 - Import Prep from Image Signed
 Washington Mutual PCRF 64 - SER CD Transfer to Wells Fargo Signed
 Washington Mutual PCRF 65 - Image Transfer to NTC Signed
 Washington Mutual PCRF 66 - Microfiche Transfer to Wells Fargo Signed
 Washington Mutual PCRF 67 - Microfiche Scanning Signed
 Washington Mutual PCRF 68 Signed
 Washington Mutual PCRF 69 - Houston Record Center Backfile Signed
 Washington Mutual PCRF 71 - Lien Release Signed
 Washington Mutual PCRF 79 - Houston Backfile Signed
 Washington Mutual PCRF 88 - Consumer Loan Imaging Signed
 Washington Mutual PCRF 89 Signed (1)
 Washington Mutual PCRF 89 Signed
 Washington Mutual PCRF 92 - First Magnus Supplemental Loans Signed
 Washington Mutual PCRF 94 - Transland & Impac Import Signed
 Washington Mutual PCRF 95 - FileNet System Hosting Signed
 Washington Mutual PCRF 96 - Image Capture Signed

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**“MOTION FOR PERMISSION TO FILE CONFIDENTIAL ACS IMAGE
SOLUTIONS DISCOVERY DOCUMENTS UNDER SEAL”**

by US Priority Mail on Friday, October 10, 2014

Alvarado Smith, PC
1 MacArthur Place, Suite 200
Santa Ana, CA 92707

James Madison Kelley
James Madison Kelley

All other interested parties noticed by PACER